

COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

2006 DEC -4 P 2:38

AT RICHMOND, DECEMBER 4, 2006

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

CASE NO. BFI-2006-00131

Ex Parte: In re: annual fees for  
mortgage lenders and mortgage brokers

ORDER TO TAKE NOTICE

WHEREAS, § 6.1-420 of the Mortgage Lender and Broker Act (the "Act") requires licensed mortgage lenders and mortgage brokers to pay an annual fee calculated in accordance with a schedule set by the State Corporation Commission ("Commission");

WHEREAS, the Commission previously promulgated a regulation that set forth a schedule of annual fees to be paid by mortgage lenders and mortgage brokers; and

WHEREAS the Bureau of Financial Institutions has proposed to make certain technical changes to 10 VAC 5-160-40 that would round each annual fee down to the nearest whole dollar, update the annual report due date in order to conform to § 6.1-418 of the Act, and adjust the cutoff date for assessing mortgage lenders and mortgage brokers that are granted a license or additional authority on or after January 1 of the year of assessment;

IT IS THEREFORE ORDERED THAT:

- (1) The proposed regulation is appended hereto and made a part of the record herein.
- (2) Comments on the proposed regulation must be submitted in writing to Joel H.

Peck, Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118,  
Richmond, Virginia 23218, on or before January 19, 2007. All correspondence shall contain a

reference to Case No. BFI-2006-00131. Interested persons desiring to submit comments electronically may do so by following the instructions available at the Commission's website:  
<http://www.scc.virginia.gov/caseinfo.htm>.

(3) The proposed regulation shall be posted on the Commission's website at  
<http://www.scc.virginia.gov/caseinfo.htm>.

AN ATTESTED COPY hereof, together with a copy of the proposed regulation, shall be sent to the Registrar of Regulations for publication in the Virginia Register.

AN ATTESTED COPY hereof shall be sent to the Commissioner of Financial Institutions, who shall forthwith mail a copy of this Order, together with the proposed regulation, to all licensed mortgage lenders and mortgage brokers and such other interested parties as he may designate.

CHAPTER 160

RULES GOVERNING MORTGAGE LENDERS AND BROKERS

10 VAC 5-160-40. Schedule ~~prescribing~~ of annual fees ~~paid~~ for the examination, supervision, and regulation of mortgage lenders and mortgage brokers.

Pursuant to § 6.1-420 of the Code of Virginia, the Commission sets the following schedule of annual fees to be paid by mortgage lenders and mortgage brokers required to be licensed under Chapter 16 (§ 6.1-408 et seq.) of Title 6.1 of the Code of Virginia. Such fees are to defray the costs of examination, supervision and regulation of such lenders and brokers by the Bureau of Financial Institutions. The fees are related to the actual costs of the Bureau, to the ~~assets (i.e., loans) of the lenders, to the~~ volume of business of the lenders and brokers, and to other factors relating to supervision and regulation.

SCHEDULE

LENDER LICENSEE: Minimum fee - \$800, plus \$6.60 per loan

BROKER LICENSEE: Minimum fee - \$400, plus \$6.60 per loan

DUAL AUTHORITY (LENDER/BROKER): Minimum fee - \$1,200, plus \$6.60 per loan

The annual fee for each mortgage lender ~~will~~ shall be computed on the basis of the number of mortgage loans, as defined in § 6.1-409 of the Code of Virginia, made or originated during the calendar year preceding the year of assessment. The annual fee ~~of~~ for each mortgage broker ~~will~~ shall be based on the number of such loans brokered. The annual fee ~~of~~ for each mortgage lender/broker ~~will~~ shall be based on the total number of mortgage loans made or originated and

mortgage loans brokered. The annual fee computed using the above schedule shall be rounded down to the nearest whole dollar.

Fees ~~will~~ shall be assessed on or before April 25 for the current calendar year. By law the fee must be paid on or before May 25.

The annual report, ~~due March 25, 1991,~~ of each licensee ~~provides~~ shall be due March 1 of each year and shall provide the basis for ~~its~~ licensee assessment, i.e., the number of loans made or brokered. If the annual report of a licensee has not been filed by the assessment date, a provisional fee, subject to the adjustment when the report is filed, ~~will~~ shall be assessed. In cases where a license or additional authority has been granted between January 1 and ~~April 25~~ March 31, one of the following fees or additional fee ~~will~~ shall be assessed: lender — \$400; broker — \$200; lender/broker — \$600.

Fees prescribed and assessed by this schedule are apart from, and do not include, the reimbursement for expenses permitted by subsection B of § 6.1-420 of the Code of Virginia.